

## **ARTICLE XXIX**

### **LAKE AND SHORELINE USAGE**

#### **SECTION 29.01 DEFINITIONS**

**WATER'S EDGE**: The ordinary high water mark as determined by a government agency or the Courts.

**WATER CRAFT**: Canoes, jet skis, boats, sailboards, rafts, seaplanes, and all other water vessels.

#### **SECTION 29.02 INTENT AND PURPOSE**

In its deliberations and studies leading to the adoption of this section, the Solon Township Planning Commission and Township Board recognized and concluded that the use of water resources, including the inland lakes situated in the Township, should be considered in a framework of long term costs and benefits to the Township, in that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of lakes in the Township. It has been recognized that, as shorelines of the lakes become further developed and subjected to human and mechanical influence, usage of the respective property must be regulated in order to preserve and protect both riparian owners as well as the Township and non-riparians as a whole. It is further recognized that the lack of regulation shall result in a nuisance condition and impairment of these

important and irreplaceable natural resources. It shall further result in the diminution of property values and threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to the lakes in the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations of riparian land in the Township.

1. When more than one single family dwelling shares the use of frontage on navigable water, or where a multiple family dwelling shares such frontage, such common usage and/or ownership of the waterfront shall be governed by this Section. The provisions herein shall apply regardless of whether access to the waterfront is gained by easement, common or joint fee ownership, single fee ownership, lease, license, site condominium unit, stock or membership in a corporation, or any other means.
2. The waterfront shall have a minimum frontage on the water of not less than one hundred (100) feet (measured at the ordinary high water mark) and have an area of at least fifteen thousand (15,000) square feet. For each family in excess of two (2) having waterfront privileges, the frontage on the water shall be increased by at least twenty five (25) feet, and the waterfront area increased by at least three thousand five hundred (3,500) square feet. No more than one dock shall be allowed for each one hundred (100) feet of water frontage, and no more than one (1) slip, mooring, boat hoist, or other means of anchorage shall be allowed per twenty five (25) feet of water frontage. Boat launches are not allowed. All storage of boats and/or trailers shall be off site. No docks shall extend more than one hundred (100) feet from the shore, or to water five (5) feet in depth, whichever is greater. If any portion of a dock is constructed parallel to the shoreline, it shall be no longer than twenty five (25) feet.
3. All such common use waterfronts shared by more than five families must be approved by site plan review by the Solon Township Planning Commission, pursuant to Section XXIV of the Solon Township Zoning Ordinance, in accordance with the following standards

and requirements, in addition to those in the Township's Site Plan Ordinance. A fee will be charged pursuant to the schedule of fees relating to the site plan review for one dwelling.

4. The site plan shall consist of an accurate, reproducible drawing at a scale of one (1) inch = one hundred (100) feet or less, showing the site and all land within one hundred fifty (150) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following:
  - a. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations;
  - b. Location and type of existing vegetation;
  - c. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways) floodplain, wetlands, and the water's edge;
  - d. Proposed location of docks and other waterfront structures;
  - e. Location and dimensions of existing and/or proposed parking areas (including indication of all spaces and method of surfacing);
  - f. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used;
  - g. The location and type of any/all playground equipment to be installed on the site;
  - h. North arrow and scale;
  - i. The specific uses permitted on the common waterfront, the locations of same, and all conditions that must be met to entitle one to such uses;
  - j. A statement that the site plan (including all terms and conditions) cannot be modified without approval of the Planning Commission;
  - k. Other conditions imposed by the Planning Commission pursuant to the standards listed below,
5. The site plan shall reflect provisions for one (1) off-street space for parking of vehicles for every family having waterfront usage. Depending upon the proximity of the residences having privileges on the waterfront, parking requirements may be modified or waived by the Planning Commission.
6. The site plan shall indicate the location of all docks, watercraft slips, moorings, boat hoists, and any other means of anchorage to be developed on the parcel.
7. If the site serves twelve (12) or more families, sanitary facilities must be included. Depending upon the proximity of the families having privileges on the waterfront, sanitary facilities may be modified or waived by the Planning Commission. Utilizing natural vegetation, all sanitary facilities shall be screened from surrounding land uses. Sanitary facilities shall be subject to all appropriate setback requirements.
8. In addition to the above requirements, the Planning Commission shall have the authority to approve or deny, and/or attach conditions to the site plan based on the following criteria:
  - a. The extent of contemplated injury or nuisance (including noise) to owners of riparian, adjacent and nearby lands.
  - b. The impact upon the public's enjoyment of the navigable waters.
  - c. The effects on the navigable waters, both by the proposed waterfront use, and by compounding (by precedent) the impact of the proposed waterfront uses by approval of subsequent development of similar nature.
9. Once approved, the applicant shall provide one original copy of the site plan as approved that is in a form and size suitable for recording with the Leelanau County Register of Deeds Office, along with a check for the recording fee. The secretary of the Planning

Commission will record the site plan upon approval thereof.

10. In the case of commercial campgrounds and recreational vehicle parks, the requirements contained in paragraph 2 herein may be modified or waived by the Planning Commission pursuant to a site plan review which complies with all other requirements of this Article and Article XXIV of the Zoning Ordinance. Among other things, the criteria in paragraph 8 of this Article shall be utilized to consider any such modifications or waivers.